

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TIFFANY CHAN,

Plaintiff,

-against-

JAMES PARK-YUONG CHAN,

Defendants.
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AMON, Chief United States District Judge.

Plaintiff Tiffany Chan commenced this quiet title action on June 11, 2013, invoking 28 U.S.C. § 1332 as the jurisdictional basis for bringing her state law claims in this Court. Although Chan initially identified herself as a citizen of New York State, (Docket Entry (“D.E.”) # 1-1), Chan has since informed the Court that she, like the defendant, James Park-Yuong Chan, is a Canadian citizen. (Affidavit of Tiffany Chen, (“Chan Aff.”) D.E. # 11 ¶¶ 3–5; Compl. ¶ 2; Ans. ¶ 1.). On learning that this controversy involves two Canadian citizens and no citizen of a state, the Honorable Vera M. Scanlon, United States Magistrate Judge, required the parties to submit briefing as to whether the Court has subject matter jurisdiction over this action. This Court has received the resulting Report and Recommendation (“R&R”) of Magistrate Judge Scanlon, dated April 1, 2015, which recommends sua sponte dismissal of this action without prejudice because the Court lacks subject matter jurisdiction over Chan’s claim.

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal

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quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. The Clerk of Court is directed to enter judgment in accordance with this order and dismiss the case.

SO ORDERED.

Dated: June 30, 2015
Brooklyn, New York

s/Carol Bagley Amon¹

Carol Bagley Amon
Chief United States District Judge